

Webb contends that there are material disputes of fact as to each of his claims. He has created a reasonable inference that the reasons proffered by Homewood for his non-selection for two open positions for Battalion Chief in 2020 were partly racially motivated based on the disparity in objective qualifications between Webb and two white candidates with substantially less experience, and the evidence that Homewood's justifications were pretextual. In addition, Webb has established that his removal from active duty by Chief Hill was an adverse action and that the underlying reasons were retaliatory.

Webb submits as support for his opposition to summary judgment the evidentiary submissions at Doc. 37 and the Memorandum Brief at Document 38. For all the aforementioned reasons, the motion for summary judgment is due to be denied.

Submitted, the 24th day of June, 2024.

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CERTIFICATE OF SERVICE

The undersigned counsel certifies that on June 24, 2024, Plaintiff's Response in Opposition to Defendants' Motion for Summary Judgment was served electronically through the Court's CM/ECF filing system upon the attorneys of record for Defendants City of Homewood and Chief Nicholas Hill, listed below:

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